

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

Case No. 1:23-mj-107

XUAN-KHA TRAN PHAM,

Defendant.

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Nicole Miller, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since 2019. As such, I am an “investigative or law enforcement officer of the United States” within the meaning of 18 U.S.C. § 2510(7)—that is, an officer of the United States empowered by law to conduct investigations of and to make arrests for, among others, offenses enumerated in 18 U.S.C. § 111.

2. Before joining the FBI, I served as a Special Agent with the Florida Department of Law Enforcement from 2016–2019 and a police officer with the Kissimmee Police Department from 2010–2016. During that time, I investigated kidnappings, homicides, bank robberies, felon-in-possession violations, domestic terrorism, and threats. In so doing, I prepared and submitted applications for court orders and search warrants; conducted physical and electronic surveillance; executed search and arrest warrants; debriefed informants; and interviewed witnesses and suspects.

3. I submit this affidavit in support of a criminal complaint and arrest warrant charging XUAN-KHA TRAN PHAM with forcible assault of a person designated in 18 U.S.C. § 1114 (specifically, an employee of the United States) while engaged in the performance of official duties, which assault inflicted bodily injury, in violation of 18 U.S.C. § 111(a)(1), (b).

4. The facts and information contained in this affidavit are based upon my personal knowledge of the investigation and information obtained from other local and federal law enforcement officers. All observations not personally made by me were relayed to me by the individuals who made them or are based on my review of reports, documents, and other physical evidence obtained during the course of this investigation. Unless otherwise indicated, where the statements of others are related herein, they are related in sum and substance and not verbatim.

5. This affidavit contains information necessary to support probable cause and has been prepared only for the purpose of obtaining a criminal complaint and arrest warrant. Therefore, it contains neither all of the information known to me concerning the offense nor every fact learned by the government during the course of its investigation thus far.

FACTUAL BASIS SUPPORTING PROBABLE CAUSE

6. On May 15, 2023, at approximately 10:49 a.m., the City of Fairfax Police Department was notified that an assault was occurring at the District Office of Congressman Gerald E. “Gerry” Connolly, located at 10680 Main Street, Suite 140, Fairfax, Virginia. Responding officers observed a male subject, later identified as XUAN-KHA TRAN PHAM, in the front area of the office. After restraining him, the officers placed PHAM under arrest and charged him with malicious wounding.

7. A short time earlier, towards the front of the District Office, Victim 1, a member of Congressman Connolly’s staff and an employee of the United States performing her official

duties, was showing Victim 2, a new intern, how to complete certain administrative tasks. Suddenly, the front door swung open and PHAM, wielding a baseball bat, charged through it. Using the bat, PHAM struck Victim 1 on the head, causing her to fall to the floor. As PHAM continued to strike Victim 1, Victim 2 tried to flee towards the back office. At that point, PHAM struck Victim 2 in the ribs with the bat. He then returned to hitting Victim 1, saying, “I’m going to kill you” and “you’re going to die.” Victim 1 estimated that PHAM struck her a total of approximately eight times.

8. Eventually, another individual, Witness 1, who was across the hall, entered the District Office, causing PHAM to turn and look. This allowed Victim 1 to escape and run towards the back office. At one point thereafter, Victim 1 heard PHAM yell, “Gerry,” as he destroyed items in the office with his bat. Witness 1 heard PHAM say that he wanted “to talk to Connolly,” and observed PHAM hit himself in the head with his hand.

9. At the time of the incident, two additional staff members were present, Witness 2 and Witness 3. After she escaped, Victim 1 ran into an office where Witness 2 and Witness 3 were. Witness 2 and Witness 3 observed Victim 1 bleeding from her head.

10. As part of my investigation, I learned that PHAM called the District Office approximately three times in February 2023. A recipient of one of the calls described PHAM as speaking “gibberish about DNA and God.”

CONCLUSION

11. Based on the foregoing, I submit there is probable cause to believe that on or about May 15, 2023, in Fairfax, Virginia, within the Eastern District of Virginia, the defendant, XUAN-KHA TRAN PHAM, forcibly assaulted an employee of the United States engaged in the

performance of official duties, which assault inflicted bodily injury, in violation of 18 U.S.C. § 111(a)(1), (b).

Respectfully submitted,



Nicole Miller
Special Agent
Federal Bureau of Investigation

Respectfully submitted and attested to in accordance with the requirements of Fed. R. Crim. P. 4.1 on May 16, 2023.

 The Honorable Ivan D. Davis
United States Magistrate Judge

 Digitally signed by Ivan Davis
Date: 2023.05.16 13:42:26 -04'00'